

ROBERT L. EVANS

IBLA 73-62

Decided April 6, 1973

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, which rejected noncompetitive oil and gas lease offer NM-16086.

Affirmed.

Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:  
Interest

Applications: Sole Party in

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the names of additional parties in interest, but the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional parties are not filed within the time prescribed, the offer must be rejected.

APPEARANCES: Robert L. Evans, pro se.

OPINION BY MR. STUEBING

Robert L. Evans has appealed from a decision of the New Mexico State Office, Bureau of Land Management, dated June 12, 1972, which rejected his noncompetitive oil and gas lease offer NM-16086 for failure to comply with the provisions of 43 CFR 3102.7 (formerly 43 CFR 3123.2(c)(3)). That section requires that a statement of interest, a copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional parties in interest must be filed within 15 days after the filing of the lease offer. The appellant states in his reasons for his appeal that "[o]fferor and interested parties were not in possession of 43 CFR and were not aware that such a filing was required until receipt of notice of rejection on July 13, 1973." The other interested parties have submitted their statements with the appeal.

Evans executed the drawing card lease offer on the reverse side of which the following is printed under the heading "INSTRUCTIONS": "NOTE: Compliance must be made with the provisions of 43 CFR 3123.2". On that same side of the card appellant had printed the names of the other parties in interest, R. L. Evans, J. G. Caero, R. E. May, Jr. and P. J. Slover.

The notice printed on the entry card constituted sufficient notice to the offeror that more was required than merely the names of the other parties in interest.

43 CFR 3123.2 (now 43 CFR 3102.7), in part provides:

If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. Failure to file the statement and written agreement within the time allowed will result in the cancellation of any lease that may have been issued pursuant to the offer. (Emphasis added).

As noted above, all offerors submitted their statements of interest, copies of the explanation of the agreement between them, and evidence of their qualifications with the appeal; however, this tardy effort to comply with the regulations is insufficient. Rejection of the lease offer for failure to comply with the requirements of the cited regulation is mandatory. Richard Hubbard, 2 IBLA 270, 78 I.D. 170, (1971); Hiroshi Mizoguchi, 4 IBLA 249 (1972); Gill Oil Company, 2 IBLA 18 (1971).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing, Member

We concur:

Martin Ritvo, Member

Newton Frishberg, Chairman.

